

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL TUCKER,  
Petitioner,

v.

SUPT, SCI, *et al.*,  
Respondents.

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CIVIL NO. 22-1961

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**ORDER**

In May 2022, *pro se* state prisoner Daniel Tucker sought habeas relief, alleging ineffective assistance of trial and appellate counsel. (Doc. No. 1 at 9; Doc. No. 23 at 1, 3); 28 U.S.C. § 2254.

In June 2022, I referred his Petition to Magistrate Judge Wells for a Report and Recommendation. (Doc. No. 7.)

In March 2023, Judge Wells recommended that I deny relief without an evidentiary hearing because his claims lack merit. (Doc. No. 23 at 9-10 (“[A] certificate of appealability should not issue . . . .”).)

No objections to the Report and Recommendation have been made. (See Docket.) Accordingly, I must “satisfy [myself] that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; see also Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). Having reviewed the Report, I see no clear errors and I agree with Judge Wells’s Recommendation.

\* \* \*

**AND NOW**, this 29th day of August, 2023, it is hereby **ORDERED** that:

1. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED** without an evidentiary hearing;

2. The Magistrate Judge's Report and Recommendation (Doc. No. 23) is **APPROVED AND ADOPTED**; and
3. A certificate of appealability will not issue.

**AND IT IS SO ORDERED.**

/s/ Paul S. Diamond  
Paul S. Diamond, J.